

**AMENDMENTS TO THE CLAIMS**

1. (Currently Amended) A surgical instrument system, comprising:  
a distractor including a shaft and a paddle, the paddle being located on a distal end of the shaft;  
a filler bar shaped to removably engage the shaft and paddle of the distractor;  
wherein when the filler bar is engaged to the distractor, the filler bar provides rigidity and torque strength so that the distractor can be inserted between adjacent vertebrae in a first orientation and rotated to distract the adjacent vertebrae;  
wherein the distractor paddle includes a first height dimension when presented in an insertion orientation and a second height dimension when rotated approximately 90 degrees to a distraction orientation, the second height dimension being greater than the first height dimension, the paddle having inferior and superior surfaces for contacting adjacent vertebrae in the distraction orientation; and  
wherein the filler bar is dimensioned so as not to extend beyond the superior and inferior surfaces of the paddle.
2. (Canceled)
3. (Currently Amended) The system of ~~claim 2~~ claim 1, wherein the filler bar extends substantially along at least one side of the shaft and paddle.
4. (Canceled)
5. (Original) The system of claim 3, wherein the filler bar is slidably engageable to and removable from the distractor along a longitudinal axis of the distractor.
6. (Currently Amended) The system of ~~claim 2~~ claim 1, wherein at least one of the inferior and superior surfaces of the paddle include a means for preventing migration of the distractor during

distraction.

7. (Original) The system of claim 6, wherein the means for preventing migration includes a bone engaging element.
8. (Original) The system of claim 7, wherein the bone engaging element includes at least one tooth.
9. (Original) The system of claim 6, wherein the means for preventing migration includes at least one expansion shoulder operable to extend beyond at least one of the inferior or superior surfaces so as to increase the second height dimension.
10. (Currently Amended) The system of ~~claim 2~~ claim 1, wherein the distractor paddle and shaft present a guide surface for guiding the placement of an implant when the distractor is in the distraction orientation, and the distractor paddle further comprises an angled guide feature that is configured to guide an implant through a partial rotation to a desired angle.
11. (Original) The system of claim 10, wherein the angled guide feature includes an angled surface integral with a distal portion of the paddle.
12. (Withdrawn) The system of claim 10, wherein the angled guide feature is provided on a movable shim operable to extend from the guide surface to guide an implant through a partial rotation.
13. (Withdrawn) The system of claim 12, wherein the movable shim is retractable.
14. (Original) The system of claim 10, wherein the angled guide feature is formed from a shape memory material.

15. (Original) The system of claim 10, further comprising an implant inserter having an angled distal end, the angle corresponding approximately to the angle provided on the angled guide feature.

16. (Original) The system of claim 10, further comprising an implant inserter having an articulating implant holder operable to rotate an implant to a desired angle.

17. (Currently Amended) The system of ~~claim 2~~ claim 1, further comprising a minimally invasive access port through which the distractor is dimensioned to be placed.

18. (Currently Amended) The system of ~~claim 2~~ claim 1, further comprising a guide feature extending along the shaft and paddle, the guide feature configured for mating with at least one of an implant and an implant ~~inserter~~ inserter to guide an insertion of an implant along the distractor.

19. (Canceled)

20. (Currently Amended) A surgical instrument system, comprising:

a distractor including

a shaft; and

a paddle, the paddle being located on a distal end of the shaft; and

an implant inserter;

wherein the distractor paddle and shaft present a an inserter guide surface for guiding the placement of an implant when the distractor is in the distraction orientation, and the distractor paddle further comprises an angled guide feature that is configured to guide an implant through a partial rotation to a desired angle; and

the implant inserted includes a corresponding feature that mates with the guide surface to guide the implant inserter along the distractor in inserting an implant.

21. (Original) The system of claim 20, wherein the angled guide feature includes an angled surface integral with a distal portion of the paddle.

22. (Canceled)

23. (Canceled)

24. (Original) The system of claim 20, wherein the angled guide feature is formed from a shape memory material.

25. (Currently Amended) The system of claim 20, ~~further comprising an~~ wherein the implant inserter ~~having~~ has an angled distal end, the angle corresponding approximately to the angle provided on the angled guide feature.

26. (Currently Amended) The system of claim 20, ~~further comprising an~~ wherein the implant inserter ~~having~~ has an articulating implant holder operable to rotate an implant to a desired angle.

27. (Original) The system of claim 20, further comprising a minimally invasive access port through which the distractor is dimensioned to be placed.

28. (Canceled)

29. (Original) The system of claim 20, wherein the distractor paddle includes a first height dimension when presented in an insertion orientation and a second height dimension when rotated approximately 90 degrees to a distraction orientation, the second height dimension being greater than the first height dimension, the paddle having inferior and superior surfaces for contacting adjacent vertebrae in the distraction orientation.

30. (Original) The system of claim 29, wherein at least one of the inferior and superior surfaces of the paddle include a means for preventing migration of the distractor during distraction.

31. (Original) The system of claim 30, wherein the means for preventing migration includes a bone engaging element.
32. (Original) The system of claim 31, wherein the bone engaging element includes at least one tooth.
33. (Currently Amended) The system of ~~claim 29~~ claim 30, wherein the means for preventing migration includes at least one expansion shoulder operable to extend beyond at least one of the inferior or superior surfaces so as to increase the second height dimension.
34. (Original) The system of claim 29, further comprising  
a filler bar shaped to removably engage the shaft and paddle of the distractor;  
wherein when the filler bar is engaged to the distractor, the filler bar provides rigidity and torque strength so that the distractor can be inserted between adjacent vertebrae in a first orientation and rotated to distract the adjacent vertebrae.
35. (Canceled)
36. (Canceled)
37. (Canceled)
38. (Canceled)
39. (Canceled)
40. (Canceled)
41. (Canceled)

42. (Canceled)

43. (Canceled)

44. (Original) A surgical instrument system, comprising:

an articulating implant inserter including

a shaft; and

an articlatable implant holding element located on a distal end of the shaft, the articlatable implant holding element being operable from a proximal portion of the shaft to releasably hold an implant; and

an implant having a connecting element that cooperates with the articlatable implant holding element to allow articulation of the implant to a desired angle upon operation of the implant holding element

wherein the articlatable implant holding element includes two sliding elements, each having a distal implant impaction face contacting the implant, the implant holding element being operable from a proximal handle to provide relative sliding in a proximal-distal direction along the shaft to selectively articulate the implant to a desired angle.

45. (Original) The system of claim 44, wherein the implant connecting element is internal to the implant.

46. (Original) The system of claim 44, wherein the implant connecting element is external to the implant.

47. (Canceled)

48. (Currently Amended) The system of ~~claim 47~~ claim 44, wherein the position of the handle acts as a visual indicator for an angle through which the implant has been rotated.

49-58. (Canceled)

59. (Canceled)

60. (Canceled)

61. (Canceled)

62. (Canceled)

63. (New) The system of claim 1, wherein the filler bar includes an elongate shaft and a stabilizing plate.

64. (New) The system of claim 63 wherein the shaft of the filler bar has a diameter less than a diameter than the distractor.

65. (New) The system of claim 63, wherein the stabilizing plate is sized and shaped so as to nest within the distractor paddle.